UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/CN.9/415
3 May 1995

ORIGINAL: ENGLISH

UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Twenty-eighth session
Vienna, 2 - 26 May 1995

TRAINING AND TECHNICAL ASSISTANCE

Note by the Secretariat

CONTENTS

		Paragraphs	Page
INTRODUCTION		1 - 4	2
I.	UNCITRAL SEMINARS AND BRIEFING MISSIONS	5 - 6	2
II.	OTHER SEMINARS, CONFERENCES, COURSES AND WORKSHOPS	7	4
III.	TECHNICAL ASSISTANCE TO STATES IN PREPARATION OF LEGISLATION	8 - 9	5
IV.	SIXTH UNCITRAL SYMPOSIUM ON INTERNATIONAL TRADE LAW	10 - 12	5
V.	FUTURE ACTIVITIES	13 - 16	6
	A. Training and technical assistance	13 - 14	6
	B. Coordination of training and technical assistance with other organizations	15 - 16	6
VI.	INTERNSHIP PROGRAMME	17	7
VII.	FINANCIAL AND ADMINISTRATIVE CONSIDERATIONS	18 - 21	7
Annex (Sample programme of UNCITRAL Seminar on International Trade Law)			9

INTRODUCTION

1. The purpose of the training and technical assistance activities of the Commission is to disseminate information on international commercial law conventions, model laws and other legal texts, particularly in developing countries and in countries whose economic systems are in transition. Those activities are aimed at Government officials from interested Ministries such as Trade, Foreign Affairs, Justice and Transport, at law reform commissions, judges, arbitrators, practising lawyers, the commercial and trading community, and scholars.

2. UNCITRAL seminars and briefing missions for Government officials, which are important components of the training and assistance programme, are designed to explain the salient features and utility of international trade law instruments of UNCITRAL such as: in the area of sales, the United Nations Sales Convention; in the area of arbitration, the UNCITRAL Arbitration Rules and the UNCITRAL Model Law on International Commercial Arbitration; in the area of procurement, the UNCITRAL Model Law on Procurement of Goods, Construction and Services; in the area of banking and payments, the UNCITRAL Model Law on International Credit Transfers, and the United Nations Convention on International Bills of Exchange and International Promissory Notes; in the area of transport, the United Nations Convention on the Carriage of Goods by Sea, and the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade. In addition, information is provided on certain important legal texts of other organizations (e.g., Uniform Customs and Practice for Documentary Credits, and INCOTERMS (International Chamber of Commerce); Factoring Convention (International Institute for the Unification of Private Law (UNIDROIT)). (A sample seminar programme is set out in the annex to the present note.).

3. In addition, technical assistance is provided to States preparing legislation based on UNCITRAL models in the areas of international commercial arbitration, procurement and international credit transfers. Such assistance is requested in various forms, including, for example, reviews of preparatory drafts of legislation from the viewpoint of UNCITRAL model laws, assistance in the preparation of drafts of legislation, comments on reports of law reform commissions, and briefings for legislators, judges, arbitrators and other end users of UNCITRAL legal texts embodied in national legislation (e.g., procurement managers).

4. This note sets out activities of the Secretariat subsequent to the twenty-seventh session of the Commission (31 May - 17 June 1994) and discusses possible future training and assistance activities. In that period there has been a continuation of the increase in the demand for training and technical assistance from the UNCITRAL Secretariat, particularly from developing countries, newly independent States, and States whose economies are in transition. This increasing demand reflects an upsurge in those States in law reform relating to international trade, as well a degree of increasing attention by bilateral and multilateral development agencies, including other parts of the United Nations system, to the importance of commercial law in the trade and investment profile of a State.

I. UNCITRAL SEMINARS AND BRIEFING MISSIONS

5. Lectures at UNCITRAL seminars are generally given by one or two members of the Secretariat, by experts from the host countries and occasionally by external consultants. After the

provide the host countries with the maximum possible support during the contemplation and legislative process relating to the adoption and use of UNCITRAL legal texts.

6. The following is a list of the seminars and briefing missions that have taken place since the previous session:

(a) Shanghai, China (27-28 June 1994), held in cooperation with the China International Economic and Trade Commission (CIETAC), and attended by approximately 90 participants.

(b) Harare, Zimbabwe (1-3 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 70 participants.

(c) Gaborone, Botswana (8-10 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 50 participants.

(d) Windhoek, Namibia (12-16 August 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 30 participants.

(e) Nairobi, Kenya (12-15 September 1994), held in cooperation with the Office of the Attorney-General, and attended by approximately 60 participants.

(f) Tblisi, Georgia (7-9 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs.

(g) Baku, Azerbaijan (11-15 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs.

(h) Yerevan, Armenia (16-18 November 1994), briefing mission held in cooperation with the Ministry of Foreign Affairs.

(i) Panama City, Panama (17-18 November 1994), held in cooperation with the Chamber of Commerce and the Boutin Law Firm, and attended by approximately 150 participants.

(j) Cali, Colombia (21-22 November 1994), held in cooperation with the Chamber of Commerce and the Inter-American Commission of Commercial Arbitration, and attended by approximately 150 participants.

(k) Tashkent, Uzbekistan, (21-23 November 1994), held in cooperation with the Ministry of Foreign Economic Relations.

(l) Prague, Czech Republic (4-5 April 1995), held in cooperation with the Ministry of Industry and Trade, and attended by approximately 70 participants.

II. OTHER SEMINARS, CONFERENCES, COURSES AND WORKSHOPS

7. Members of the UNCITRAL Secretariat have participated as speakers in the following seminars, conferences and courses where UNCITRAL legal texts were presented for examination and discussion, or for the purposes of coordination of activities:

Annual Session of the Governing Council of the International Institute for Unification of Private Law (UNIDROIT) (Rome, 8-14 May 1994, and 29 March - 1 April 1995);

Arbitration Conference sponsored by the International Council for Commercial Arbitration (ICCA) and the China International Economic and Trade Arbitration Commission (CIETAC) (Beijing, 22-23 June 1994);

UN/UNITAR Fellowship Programme in International Law (The Hague, 8-12 August 1994);

Conference on the "Egyptian New Law of Commercial Arbitration: Different Experiences of Adopting the Model Law" sponsored by the Cairo Regional Centre for International Commercial Arbitration (Cairo, 12-13 September 1994);

Conference on the "New Trends in Maritime Arbitration in the Afro-Asian Region" sponsored by the Cairo Regional Centre for International Commercial Arbitration (Alexandria, 14-15 September);

Forum on Ukrainian Law and Public Procurement sponsored by ITC/UNCTAD/GATT (Kiev, 18-22 September 1994);

UN/ECE Working Party on Facilitation of International Trade Procedures (WP.4) (Geneva, 19-23 September 1994);

13th Course - International Commercial Arbitration and Law Libraries, sponsored by the International Association of Law Libraries and Martinus Nijhoff Publishers (The Hague, 26-29 September 1994);

European Insolvency Practitioners Association - Annual Conference (Telfs, 29 September - 2 October 1994);

Arbitration Symposium of the London Court of International Arbitration, Asia/Pacific Users Council (Sydney, 5-7 October 1994);

International Bar Association 25th Biennial Conference (Sydney, 8-15 October 1994);

Regional Trade Law Seminar of the Attorney-General's Department of Australia (Melbourne, 18-19 October 1994);

International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Bahrain, 25-27 October 1994);

International Entry Course on Arbitration, sponsored by the Chartered Institute of Arbitrators (Harare, 28-30 November 1994);

WIPO Arbitration Conference (Geneva, 19-20 January 1995);

UN/ECE Working Party on Facilitation of International Trade Procedures (WP.4) (Geneva, 20-24 March 1995);

Regional Conference of the Americas, sponsored by the International Association of Insolvency Practitioners (INSOL) (Toronto, 22-24 March 1995);

Willem C. Vis International Commercial Arbitration Moot, organized by the Institute of International Commercial Law of Pace University School of Law, New York (Vienna, 22-26 March 1995);

Dynamic Asia Conference, sponsored by the International Chamber of Commerce (ICC) (New Delhi, 27-28 March 1995);

International Seminar on Globalization & Harmonization of Commercial/Arbitration Laws (New Delhi, 31 March - 1 April 1995);

International Trade Law Post-Graduate Course sponsored by the International Training Centre of the International Labour Organization (ILO) and the University Institute of European Studies (Turin, 11-12 April 1995);

34th Session of the Asian-African Legal Consultative Committee (AALCC) (Doha, 17-22 April 1995).

III. TECHNICAL ASSISTANCE TO STATES IN PREPARATION OF LEGISLATION

8. The Secretariat has continued to provide technical consultations and assistance to States in the preparation of national legislation based on UNCITRAL's model laws, in particular the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Model Law on Procurement of Goods, Construction and Services. Such assistance is beneficial from the standpoint of recipient States in view of the Secretariat's accumulated experience in the preparation of the UNCITRAL Model Laws, and in providing technical assistance to Governments in the preparation of legislation. Furthermore, when such UNCITRAL technical assistance forms part of coordinated technical assistance efforts, aid agencies and Governments are able to rechannel funds that would otherwise be used for the payment of consultant's fees to meet other needs and purposes.

9. In order to facilitate further the provision of technical assistance by the Secretariat, the Commission may wish to consider authorizing the Secretariat to request States to provide it with legislation currently in effect in the areas of activity of the Commission.

IV. SIXTH UNCITRAL SYMPOSIUM ON INTERNATIONAL TRADE LAW (Vienna, 22-26 May 1995)

10. The Secretariat is organizing the Sixth UNCITRAL Symposium on International Trade Law to be held on the occasion of the twenty-eighth session of the Commission. The Symposium is designed

to acquaint young lawyers with UNCITRAL as an institution and with the legal texts that have emanated from its work.

11. As was the case at the previous Symposia, lecturers have been invited primarily from representatives to the Commission session taking place at the time of the Symposium and from members of the Secretariat. In order to save on the costs of interpretation and to be able to increase the communication between participants themselves, the Symposium will be held in English and French only.

12. The travel costs of twenty-two participants from Africa, Latin America, Asia and Eastern Europe will be paid from UNCITRAL Trust Fund for Symposia. In addition, it is expected that approximately 75 individuals will attend at their own cost.

V. FUTURE ACTIVITIES

A. Training and technical assistance

13. For the remainder of 1995, seminars and legal-assistance briefing missions are being planned in Africa, Asia, Eastern Europe and Latin America. It should be emphasized that the ability of the Secretariat to implement these plans is contingent upon the receipt of sufficient funds in the form of contributions to the UNCITRAL Trust Fund for Symposia.

14. As it has done in recent years, the Secretariat has agreed to co-sponsor the next three-month International Trade Law Post-Graduate Course to be organized by the University Institute of European Studies and the International Training Centre of the International Labour Organization in Turin. Typically, approximately half of the participants are drawn from Italy, with many of the remainder being from developing countries. Issues of harmonization of international trade law and various items on the Commission's work programme are covered in the Course.

B. Coordination of training and technical assistance with other organizations

15. The General Assembly at recent sessions has appealed to the United Nations Development Programme and other United Nations bodies responsible for development assistance to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission. The Secretariat has taken steps towards increasing such cooperation and coordination, which can include provision of legal technical assistance, seminars and briefing missions by UNCITRAL and which could involve the mounting of joint programmes with entities such as the International Trade Centre GATT/UNCTAD. In some cases, costs of UNCITRAL participation may be covered by facilities such as institution-building loans of international development banks or umbrella development assistance facilities of UNDP.

16. Cooperation and coordination among entities providing legal technical assistance has the desirable effect of ensuring that, when United Nations system entities, or outside entities, are involved in providing legal technical assistance, the legal texts formulated by the Commission and recommended by the General Assembly to be considered are in fact so considered and used. Furthermore, from the standpoint of States that are the recipients of legal technical assistance, such

cooperation and coordination is particularly desirable. Coordination and cooperation among agencies increases the extent to which the guidance and assistance will help to establish legal systems that not only are internally consistent, but also utilize internationally developed trade law conventions, model laws, and other legal texts, and will thus maximize the ability of business parties from different States to successfully plan and implement commercial transactions.

VI. INTERNSHIP PROGRAMME

17. The internship programme is designed to enable persons who have obtained a law degree to serve as interns in the International Trade Law Branch of the Office of Legal Affairs, which functions as the Secretariat of the Commission. Interns are assigned specific tasks in connection with projects being worked on by the Secretariat. Persons participating in the programme are able to become familiar with the work of UNCITRAL and to increase their knowledge of specific areas in the field of international trade law. In addition, the Secretariat occasionally accommodates research in the Branch and in the UNCITRAL Law Library by scholars and legal practitioners for a limited period of time. Unfortunately, no funds are available to the Secretariat to assist interns to cover their travel or other expenses. Interns are often sponsored by an organization, university or a Government agency, or they meet their expenses from their own means. During the past year the Secretariat has received two interns, originating from Denmark and Germany.

VII. FINANCIAL AND ADMINISTRATIVE CONSIDERATIONS

18. The Secretariat continues in its efforts to devise a more extensive training and technical assistance programme, to meet the considerably greater demand from States for training and assistance, and in response to the call of the Commission at the twentieth session (1987) for an increased emphasis both on training and assistance and on the promotion of the legal texts prepared by the Commission. [1] However, unless the Secretariat is provided with the necessary financial and human resources, which presently it is not, the demand for training and technical assistance with respect to UNCITRAL legal texts, and the need to promote the use of those texts, remains to a significant extent unfulfilled.

19. Because no funds for the travel expenses of lecturers or participants are provided for in the regular budget, expenses for UNCITRAL training and technical assistance activities have to be met by voluntary contributions to the UNCITRAL Trust Fund for Symposia. Of particular value are contributions made to the UNCITRAL Trust Fund for Symposia on a multi-year basis, because they permit the Secretariat to plan and finance the programme without the need to solicit funds from potential donors for each individual activity. Such a contribution has been received from Canada. In addition, contributions from Austria, Denmark, France, Pakistan and Switzerland have been used for the seminar programme. The Commission may wish to express its appreciation to those States and

---

[1] Report of the United Nations Commission on International Trade Law on the work of its twentieth session, Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17), para. 335.

organizations that have contributed to the Commission's programme of training and assistance by providing funds or staff or by hosting seminars.

20. Particular attention may be drawn to the fact that the funds needed for efficient training and technical assistance in the area of international trade law and the dissemination of information concerning the legal texts prepared by the Commission are comparatively small amounts, but that without those funds the relatively large expenditures of the Organization and its Member States on the preparation of the legal texts in question may fail to achieve the intended result of unification and harmonization of international trade law.

21. In view of the above, the Commission may again wish to appeal to all States to consider making contributions to the UNCITRAL Trust Fund for Symposia so as to enable the Secretariat to meet the increasing demands in developing countries and newly independent States for training and assistance. In order to facilitate contributions from States, the Commission may wish to apply to have the Trust Fund for Symposia included in the programme of United Nations pledging conferences. The Commission may further wish to appeal to aid agencies, particularly those in the United Nations System, for increased support, cooperation and coordination.

Annex

Sample Programme

UNCITRAL SEMINAR ON INTERNATIONAL TRADE LAW

First Day

09.00 - 10.00	Registration

Opening

10.00 - 10.30	Opening session and Welcome address (by .....)
10.30 - 11.15	UNCITRAL's history and activities
11.15 - 11.45	Coffee break

Sale of Goods

11.45 - 12.30	Salient features of the United Nations Sales Convention
12.30 - 13.00	Discussion
13.00 - 14.30	Lunch break
14.30 - 15.15	UNCITRAL Legal Guide on International Countertrade Transactions
15.15 - 15.45	Discussion
15.45 - 16.15	Tea break
16.15 - 16.45	Other conventions and uniform rules on the international sale of goods (e.g. Prescription Convention, Agency Convention, Convention on Applicable Law, INCOTERMS)
17.15 - 18.00	Comments by host country specialists

Second Day

Government purchasing

10.00 - 10.45	Draft UNCITRAL Model Law on Procurement
10.45 - 11.30	Comments by host country specialists and discussion
11.30 - 12.00	Coffee break

Construction contracts

12.00 - 12.30	UNCITRAL Legal Guide on Drawing up International Contracts for the Construction of Industrial Works; Future work on Build-Operate-Transfer contracts
12.30 - 13.00	Comments by host country specialists and discussion
13.00 - 14.30	Lunch break

Banking and payments

14.30 - 15.00	Salient features of the UNCITRAL Bills and Notes Convention
15.00 - 15.30	UNCITRAL Model Law on International Credit Transfers
15.30 - 16.00	Comments by host country specialists and discussion
16.00 - 16.30	Tea break
16.30 - 17.15	Other legal texts on international payments and banking (e.g. Uniform Customs and Practice on Documentary Credits, draft United Nations Convention on Independent Guarantees and Stand-by Letters of Credit)
17.15 - 18.00	Comments by host country specialists and discussion

Third day

Transport of goods

10.00 - 11.00	From The Hague to Hamburg. (A comparison of the Hague Rules and the Hamburg Rules)
11.00 - 11.30	Comments by host country specialists and discussion
11.30 - 12.00	Coffee break
12.00 - 12.30	Salient features of the Terminal Operators Convention
12.30 - 13.00	Comments by host country specialists and discussion
13.00 - 14.30	Lunch break

Settlement of commercial disputes

14.30 - 15.00	UNCITRAL Arbitration and Conciliation Rules
15.00 - 15.30	UNCITRAL Arbitration Model Law; 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards
15.30 - 15.45	Practical steps to foster arbitration in host country
15.45 - 16.15	Comments by host country specialists and discussion
16.15 - 16.45	Tea break

Use of electronic data interchange in trade

16:45 - 17:15	UNCITRAL Model Law on Electronic Data Interchange
17:15 - 17:30	Comments by host country specialists and discussion

Final conclusions

17.30 - 18.00	Final conclusions by host country specialists and closing of seminar

* * *